

Kevin J. Curtis, WSBA No. 12085
WINSTON & CASHATT, LAWYERS, a
Professional Service Corporation
601 W. Riverside, Ste. 1900
Spokane, WA 99201
Telephone: (509) 838-6131

Charles L. Babcock IV (*admitted pro hac vice*)
cbabcock@jw.com
Texas Bar No. 01479500

William J. Stowe (*admitted pro hac vice*)
wstowe@jw.com
Texas Bar No. 24075124

JACKSON WALKER L.L.P.
1401 McKinney Street
Suite 1900

Houston, Texas 77010
(713) 752-4360 (telephone)
(713) 308-4116 (facsimile)

Attorneys for Defendants International Data
Group, Inc., CXO Media, Inc. and Steve Ragan

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RIVER CITY MEDIA, LLC, a Wyoming
limited liability company, MARK
FERRIS, an individual, MATT FERRIS,
an individual, and AMBER PAUL, an
individual,

Plaintiffs,

vs.

No. 2:17-cv-105-SAB

DEFENDANT STEVE RAGAN'S
ANSWER TO PLAINTIFFS' COMPLAINT

DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 1

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

1 KROMTECH ALLIANCE
2 CORPORATION, a German corporation,
3 CHRIS VICKERY, an individual, CXO
4 MEDIA, INC., a Massachusetts
5 corporation, INTERNATIONAL DATA
6 GROUP, INC., a Massachusetts
7 corporation, and STEVE RAGAN, an
individual, and DOES 1-50,

Defendants.

8 Defendant Steve Ragan ("Ragan") respectfully submits this Answer to Plaintiffs'
9 Complaint (ECF No. 1) as follows:

10
11 I.

12 **RESPONSES TO PLAINTIFFS' ALLEGATIONS**

13 1-2. Ragan is without sufficient information at this time to admit or deny the
14 allegations in paragraphs 1-2 of the Complaint and therefore denies the allegations
15 pursuant to Fed. R. Civ. P. 8(b)(5).
16

17 3. Denied.

18 4-5. Ragan is without sufficient information at this time to admit or deny the
19 allegations in paragraphs 4-5 of the Complaint and therefore denies the allegations
20 pursuant to Fed. R. Civ. P. 8(b)(5).
21

22 6. Denied.
23

24 DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 2

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

1 7. Ragan denies that he engaged in any illegal actions causing any damage to
2 Plaintiffs' businesses, reputations, livelihoods, and physical or mental health. Ragan is
3 without sufficient information at this time to admit or deny the remaining allegations in
4 paragraphs 7 of the Complaint and therefore denies the allegations pursuant to Fed. R.
5 Civ. P. 8(b)(5).
6

7 8. Ragan is without sufficient information at this time to admit or deny the
8 allegations in paragraphs 8 of the Complaint and therefore denies the allegations pursuant
9 to Fed. R. Civ. P. 8(b)(5). Ragan, however, denies any wrongdoing or that Plaintiffs are
10 entitled to any relief.
11

12 9. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.
13 § 1332 but denies that the Court has personal jurisdiction over Ragan.
14

15 10. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.
16 § 1331 but denies that the Court has personal jurisdiction over Ragan.
17

18 11. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.
19 § 1331 but denies that the Court has personal jurisdiction over Ragan.
20

21 12. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.
22 § 1331 but denies that the Court has personal jurisdiction over Ragan.
23

24 13. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.
§ 1331 but denies that the Court has personal jurisdiction over Ragan.

1 14. Ragan admits that this Court has supplemental jurisdiction under 28 U.S.C.
2 § 1367 but denies that the Court has personal jurisdiction over Ragan.

3 15. Ragan admits that venue would be proper if the Court had personal
4 jurisdiction over Ragan.

5 16-21. Ragan is without sufficient information at this time to admit or deny
6 the allegations in paragraphs 16-21 of the Complaint and therefore denies the allegations
7 pursuant to Fed. R. Civ. P. 8(b)(5).
8

9 22. Admitted.

10 23. Ragan admits that International Data Group, Inc. is a Massachusetts
11 corporation but denies that it is the parent corporation of CXO Media, Inc. ("CXO").
12

13 24. Ragan is without sufficient information at this time to admit or deny the
14 allegations in paragraph 24 of the Complaint and therefore denies the allegations pursuant
15 to Fed. R. Civ. P. 8(b)(5).
16

17 25. Ragan admits that he is an employee of CXO but denies the remaining
18 allegations of paragraph 25.
19

20 26-37. Ragan is without sufficient information at this time to admit or deny
21 the allegations in paragraphs 26-37 of the Complaint and therefore denies the allegations
22 pursuant to Fed. R. Civ. P. 8(b)(5).
23

1 38. Ragan denies that CXO is owned by International Data Group, Inc. Ragan
2 admits the remaining allegations of paragraph 38.

3
4 39. Admitted except that the actual quote was: "This is the story of how River
5 City Media (RCM), Alvin Slocombe, and Matt Ferris, accidentally exposed their entire
6 operation to the public after failing to properly configure their Rsync backups."

7 40. Ragan admits that the article included the quote "This is the story of how
8 River City Media (RCM), Alvin Slocombe, and Matt Ferris, accidentally exposed their
9 entire operation to the public after failing to properly configure their Rsync backups."
10 Ragan otherwise denies the allegations in paragraph 40.

11
12 41. Ragan is without sufficient information at this time to admit or deny the
13 allegation in paragraph 41 of the Complaint regarding what "River City's records show"
14 and therefore denies the allegation pursuant to Fed. R. Civ. P. 8(b)(5). The remaining
15 allegations in paragraph 41 are denied.

16
17 42-48. Ragan is without sufficient information at this time to admit or deny
18 the allegations in paragraphs 42-48 of the Complaint and therefore denies the allegations
19 pursuant to Fed. R. Civ. P. 8(b)(5).

20
21 49. Ragan denies ever publicly announcing an unlawful computer hacking by
22 Ragan. Ragan is without sufficient information at this time to admit or deny the
23 remaining allegations in paragraph 49 of the Complaint and therefore denies the
24

1 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

2 50. Ragan is without sufficient information at this time to admit or deny the
3 allegations in paragraph 50 of the Complaint and therefore denies the allegations pursuant
4 to Fed. R. Civ. P. 8(b)(5).
5

6 51. Ragan denies that he “purposefully attack[ed] and compromise[ed] River
7 City’s Zabbix server” and “effectively hamstrung River City’s ability to detect and stop
8 their cyberattack.” Ragan is without sufficient information at this time to admit or deny
9 the remaining allegations in paragraph 51 of the Complaint and therefore denies the
10 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
11

12 52. Denied as to Ragan. Ragan is without sufficient information at this time to
13 admit or deny the allegations in paragraph 52 of the Complaint as they relate to other
14 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
15

16 53-56. Ragan is without sufficient information at this time to admit or deny
17 the allegations in paragraphs 53-56 of the Complaint and therefore denies the allegations
18 pursuant to Fed. R. Civ. P. 8(b)(5).
19

20 57. Denied as to Ragan. Ragan is without sufficient information at this time to
21 admit or deny the allegations in paragraph 57 of the Complaint as they relate to other
22 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
23

1 58. Denied as to Ragan. Ragan is without sufficient information at this time to
2 admit or deny the allegations in paragraph 58 of the Complaint as they relate to other
3 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
4

5 59. Ragan denies that he misappropriated or converted any funds and admits that
6 he would have had no authority to do so.

7 60. Denied.

8 61. Denied as to Ragan. Ragan is without sufficient information at this time to
9 admit or deny the allegations in paragraph 61 of the Complaint as they relate to other
10 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
11

12 62. Ragan is without sufficient information at this time to admit or deny the
13 allegations in paragraph 62 of the Complaint and therefore denies the allegations pursuant
14 to Fed. R. Civ. P. 8(b)(5).
15

16 63-64. Denied.

17 65. Ragan admits that he authored the article titled "Spammers expose their
18 entire operation through bad backups" located at
19 <https://www.csoononline.com/article/3176433/security/spammers-expose-their-entire->
20 [operation-through-bad-backups.html](https://www.csoononline.com/article/3176433/security/spammers-expose-their-entire-operation-through-bad-backups.html) dated March 6, 2017 ("Ragan Article"). Ragan
21 admits that there is an article titled "Spammergate: The Fall of an Empire" located at
22 <https://mackeeper.com/blog/post/339-spammergate-the-fall-of-an-empire> dated June 3,
23
24

DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 7

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

1 2017 (“Vickery Article”). Ragan denies the remaining allegations in paragraph 65.

2 66. Ragan admits that the Vickery Article states that “RCM masquerades as a
3 legitimate marketing firm while, per their own documentation, being responsible for up to
4 a billion daily email sends.” Ragan admits that the Vickery Article includes the words
5 “illegal hacking”. Ragan denies the remaining allegations of paragraph 66.
6

7 67. Ragan is without sufficient information at this time to admit or deny the
8 allegations in paragraph 67 of the Complaint and therefore denies the allegations pursuant
9 to Fed. R. Civ. P. 8(b)(5). Ragan denies wrongfully causing any harm to RCM.
10

11 68. Ragan denies making any defamatory statements. Ragan is without
12 sufficient information at this time to admit or deny the remaining allegations in paragraph
13 68 of the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P.
14 8(b)(5).
15

16 69. Ragan is without sufficient information at this time to admit or deny the
17 allegations in paragraph 69 of the Complaint and therefore denies the allegations pursuant
18 to Fed. R. Civ. P. 8(b)(5).
19

20 70. Ragan admits publishing the Ragan Article. Ragan denies the remaining
21 allegations of paragraph 70.

22 71. Ragan admits that the Vickery Article includes the quotes “RCM
23 masquerades as a legitimate marketing firm while, per their own documentation, being
24

1 responsible for up to a billion daily email sends” and “How can a group of about a dozen
2 people be responsible for one billion emails sent in one day? The answer is a lot of
3 automation, years of research, and fair bit of illegal hacking techniques”. Ragan denies
4 the remaining allegations of paragraph 71.

6 72. Ragan admits that the Vickery Article includes the statement that “Purposely
7 throttling your own machinery to amass open connections on someone else’s server is a
8 type of Slowloris attack [[https://en.wikipedia.org/wiki/Slowloris_\(computer_security\)](https://en.wikipedia.org/wiki/Slowloris_(computer_security))].”
9 Ragan denies the remaining allegations of paragraph 72.

11 73. Ragan admits that the Ragan Article includes the following statements:

- 12 • (quoting Vickery): “Once we concluded that this was indeed related to a
13 criminal operation, it was decided that we should approach law enforcement and
14 the affected companies (like Microsoft and Yahoo) before making any attempts
15 at contacting the spammers directly.
- 16 • “In the RCM chat logs, McKeown is respected for his scripting work. His
17 efforts enabled RCM to exploit a number of providers in order to inbox offers.”
- 18 • ““Nobody would knowingly give their email address to spammers, so they have
19 to be tricked into it. Usually, there is some kind of offer for a 'free gift' in
20 exchange for giving up an email address and personal information. The fine
21
22
23

1 print of these offers allows the company to share their address with their
2 'partners' which ends up also being their partner's partners, and their partner's
3 partner's partners, until every spammer on the planet has their address,'
4 explained Spamhaus' Mike Anderson. He goes on to explain such address lists
5 are the lifeblood of the industry, and they're constantly being analyzed through
6 tracking systems - examining which addresses are viewing spam ads, which
7 ones are clicking on them, and which ones are buying. 'Meanwhile, the original
8 contract for handing over the address is never fulfilled, since it turns out to be
9 impossible to redeem the 'free gift' or only with extreme difficulty. And of
10 course these addresses never go through a confirmation process, to ensure it's
11 the real owner of the address doing the signup.'"

12 Ragan denies the remaining allegations of paragraph 73.

13 74. Ragan admits that the Ragan Article included a link to the Vickery Article
14 but denies the remaining allegations of paragraph 74.

15 75. Denied that the statements above are false. Ragan is without sufficient
16 information at this time to admit or deny the remaining allegations in paragraph 75 of the
17 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

18 76. Denied.

19 77-78. Admitted.

1 79-81. Ragan is without sufficient information at this time to admit or deny
2 the allegations in paragraphs 79-81 of the Complaint and therefore denies the allegations
3 pursuant to Fed. R. Civ. P. 8(b)(5).
4

5 82. Ragan hereby incorporates by reference the foregoing paragraphs as though
6 fully set forth herein.

7 83. Ragan admits Vickery is not an employee of RCM but is without sufficient
8 information at this time to admit or deny the remaining allegations in paragraph 83 of the
9 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
10

11 84-88. Ragan is without sufficient information at this time to admit or deny
12 the allegations in paragraphs 84-88 of the Complaint and therefore denies the allegations
13 pursuant to Fed. R. Civ. P. 8(b)(5).
14

15 89. Denied as to Ragan. Ragan is without sufficient information at this time to
16 admit or deny the allegations in paragraph 89 of the Complaint as they relate to the other
17 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
18

19 90. Denied as to any conduct by Ragan. Ragan is without sufficient
20 information at this time to admit or deny the allegations in paragraph 90 of the Complaint
21 as they relate to Plaintiff RCM or the other Defendants and therefore denies the
22 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
23

24 91. Ragan hereby incorporates by reference the foregoing paragraphs as though

DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 11

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

1 fully set forth herein.

2 92. Ragan admits Vickery is not an employee of RCM but is without sufficient
3 information at this time to admit or deny the remaining allegations in paragraph 92 of the
4 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
5

6 93-96. Ragan is without sufficient information at this time to admit or deny
7 the allegations in paragraphs 93-96 of the Complaint and therefore denies the allegations
8 pursuant to Fed. R. Civ. P. 8(b)(5).
9

10 97. Denied as to Ragan. Ragan is without sufficient information at this time to
11 admit or deny the allegations in paragraph 97 of the Complaint as they relate to the other
12 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
13

14 98. Denied as to any conduct by Ragan. Ragan is without sufficient
15 information at this time to admit or deny the allegations in paragraph 98 of the Complaint
16 as they relate to Plaintiff RCM or the other Defendants and therefore denies the
17 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
18

19 99. Ragan admits that RCM seeks punitive and exemplary damages but denies
20 that RCM is entitled to recover them and denies the remaining allegations of paragraph
21 99.
22

23 100. Ragan admits that RCM seeks attorney's fees but denies that RCM is
24 entitled to recover them.

1 101. Ragan hereby incorporates by reference the foregoing paragraphs as though
2 fully set forth herein.

3 102. Ragan admits Vickery is not an employee of RCM but is without sufficient
4 information at this time to admit or deny the remaining allegations in paragraph 102 of
5 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
6

7 103-105. Ragan is without sufficient information at this time to admit or deny
8 the allegations in paragraphs 103-105 of the Complaint and therefore denies the
9 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
10

11 106. Denied as to Ragan. Ragan is without sufficient information at this time to
12 admit or deny the allegations in paragraph 106 of the Complaint as they relate to the other
13 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
14

15 107. Denied as to Ragan. Ragan is without sufficient information at this time to
16 admit or deny the allegations in paragraph 107 of the Complaint as they relate to the other
17 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
18

19 108. Denied as to Ragan. Ragan is without sufficient information at this time to
20 admit or deny the allegations in paragraph 108 of the Complaint as they relate to the other
21 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
22

23 109. Denied as to any conduct by Ragan. Ragan is without sufficient
24 information at this time to admit or deny the allegations in paragraph 109 of the

1 Complaint as they relate to the other Defendants and therefore denies the allegations
2 pursuant to Fed. R. Civ. P. 8(b)(5).

3
4 110. Ragan hereby incorporates by reference the foregoing paragraphs as though
5 fully set forth herein.

6 111. Ragan admits Vickery is not an employee of RCM but is without sufficient
7 information at this time to admit or deny the remaining allegations in paragraph 111 of
8 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

9
10 112-114. Ragan is without sufficient information at this time to admit or deny
11 the allegations in paragraphs 112-114 of the Complaint and therefore denies the
12 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

13 115. Denied as to Ragan. Ragan is without sufficient information at this time to
14 admit or deny the allegations in paragraph 115 of the Complaint as they relate to the other
15 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

16
17 116. Denied as to any conduct by Ragan. Ragan is without sufficient
18 information at this time to admit or deny the allegations in paragraph 116 of the
19 Complaint as they relate to Plaintiff RCM or the other Defendants and therefore denies
20 the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

21
22 117. Ragan admits that RCM seeks punitive and exemplary damages but denies
23 that RCM is entitled to recover them and denies the remaining allegations of paragraph
24

1 117.

2 118. Ragan hereby incorporates by reference the foregoing paragraphs as though
3 fully set forth herein.
4

5 119-120. Ragan is without sufficient information at this time to admit or deny
6 the allegations in paragraphs 119-120 of the Complaint and therefore denies the
7 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
8

9 121. Denied as to Ragan. Ragan is without sufficient information at this time to
10 admit or deny the allegations in paragraph 121 of the Complaint as they relate to the other
11 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
12

13 122. Denied as to Ragan. Ragan is without sufficient information at this time to
14 admit or deny the allegations in paragraph 122 of the Complaint as they relate to the other
15 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
16

17 123. Denied.

18 124. Denied as to Ragan. Ragan is without sufficient information at this time to
19 admit or deny the allegations in paragraph 124 of the Complaint as they relate to
20 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.
21 Civ. P. 8(b)(5).
22

23 125. Ragan hereby incorporates by reference the foregoing paragraphs as though
24 fully set forth herein.

1 126-127. Ragan is without sufficient information at this time to admit or deny
2 the allegations in paragraphs 126-127 of the Complaint and therefore denies the
3 allegations pursuant to Fed. R. Civ. P. 8(b)(5).
4

5 128. Denied as to Ragan. Ragan is without sufficient information at this time to
6 admit or deny the allegations in paragraph 128 of the Complaint as they relate to the other
7 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
8

9 129. Denied as to Ragan. Ragan is without sufficient information at this time to
10 admit or deny the allegations in paragraph 129 of the Complaint as they relate to the other
11 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).
12

13 130. Denied as to Ragan. Ragan is without sufficient information at this time to
14 admit or deny the allegations in paragraph 130 of the Complaint as they relate to
15 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.
16 Civ. P. 8(b)(5).
17

18 131. Ragan hereby incorporates by reference the foregoing paragraphs as though
19 fully set forth herein.

20 132. Ragan is without sufficient information at this time to admit or deny the
21 allegations in paragraph 132 of the Complaint and therefore denies the allegations
22 pursuant to Fed. R. Civ. P. 8(b)(5).
23

24 133. Denied as to Ragan. Ragan is without sufficient information at this time to

1 admit or deny the allegations in paragraph 133 of the Complaint as they relate to the other
2 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

3 134. Denied as to Ragan. Ragan is without sufficient information at this time to
4 admit or deny the allegations in paragraph 134 of the Complaint as they relate to the other
5 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

7 135. Denied as to Ragan. Ragan is without sufficient information at this time to
8 admit or deny the allegations in paragraph 135 of the Complaint as they relate to
9 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.
10 Civ. P. 8(b)(5).

12 136. Ragan hereby incorporates by reference the foregoing paragraphs as though
13 fully set forth herein.

15 137-138. Ragan is without sufficient information at this time to admit or deny
16 the allegations in paragraphs 137-138 of the Complaint and therefore denies the
17 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

18 139. Denied as to Ragan. Ragan is without sufficient information at this time to
19 admit or deny the allegations in paragraph 139 of the Complaint as they relate to the other
20 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

22 140. Denied as to Ragan. Ragan is without sufficient information at this time to
23 admit or deny the allegations in paragraph 140 of the Complaint as they relate to the other
24

1 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

2 141. Denied as to any conversion by Ragan. Ragan is without sufficient
3 information at this time to admit or deny the allegations in paragraph 141 of the
4 Complaint as they relate to the Plaintiffs or the other Defendants and therefore denies the
5 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

7 142. Ragan hereby incorporates by reference the foregoing paragraphs as though
8 fully set forth herein.

10 143. Ragan admits Vickery is not an employee of RCM but is without sufficient
11 information at this time to admit or deny the remaining allegations in paragraph 143 of
12 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

13 144-146. Ragan is without sufficient information at this time to admit or deny
14 the allegations in paragraphs 144-146 of the Complaint and therefore denies the
15 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

17 147. Denied as to Ragan. Ragan is without sufficient information at this time to
18 admit or deny the allegations in paragraph 147 of the Complaint as they relate to the other
19 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

21 148. Denied as to Ragan. Ragan is without sufficient information at this time to
22 admit or deny the allegations in paragraph 148 of the Complaint as they relate to the other
23 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

24 DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 18

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

149. Denied as to Ragan. Ragan is without sufficient information at this time to admit or deny the allegations in paragraph 149 of the Complaint as they relate to the other Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

150-151. Ragan is without sufficient information at this time to admit or deny the allegations in paragraphs 150-151 of the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

152. Ragan hereby incorporates by reference the foregoing paragraphs as though fully set forth herein.

153-158. Denied.

Jury Demand

Ragan demands a jury for all claims and admits that Plaintiffs demand a jury as well.

Plaintiffs' Request for Relief

Ragan denies that Plaintiffs are entitled to any relief in the section of the Complaint titled “XVI. REQUEST FOR RELIEF”.

Affirmative Defenses

Without assuming the burden of proof where it otherwise rests with Plaintiffs, Ragan asserts the following defenses:

1. The Court lacks personal jurisdiction over Ragan.

DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 19

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131

1 2. Plaintiffs fail to state a claim upon which relief can be granted.

2 3. Plaintiff RCM is precluded from asserting its state-law claims because it is
3 not registered to do business with the Washington Secretary of State. *See* RCW
4 § 23.95.505.
5

6 4. Plaintiffs failed to mitigate their damages. On information and belief,
7 Plaintiffs could have used reasonable efforts to mitigate their damages, including without
8 limitation by not engaging in the conduct that is the subject of the Ragan Article and
9 Vickery Article.
10

11 5. Plaintiffs' claims against Ragan are barred due to the privilege of fair
12 comment on matters of public concern. The statements in the Ragan Article constituted
13 a fair comment on a matter of public concern, and Ragan did not make them maliciously
14 or based on false statements of fact.
15

16 6. In the event that the defendant bears the burden of proving the truth of the
17 statements at issue, Plaintiffs' claims against Ragan are barred because the statements in
18 the Ragan Article were true and, at a minimum, substantially true and the gist, or "sting,"
19 of the Ragan Article was true.
20

21 7. In the unlikely event of liability on the part of Ragan, punitive and
22 exemplary damages are unavailable to Plaintiffs under Washington law.
23

24 8. The statements in the Ragan Article are protected under the First

1 Amendment to the U.S. Constitution and Article I Section 5 of the Washington
2 Constitution.

3
4 Prayer

5 For the foregoing reasons, Defendant Steve Ragan respectfully requests that the
6 Court dismiss Plaintiffs' suit against Ragan, and grant Ragan such other relief to which
7 he may be justly entitled.

8 Respectfully submitted this 26th day of October, 2017.
9

10 s/Kevin J. Curtis, WSBA No. 12085
11 WINSTON & CASHATT, LAWYERS
12 601 W. Riverside, Ste. 1900
13 Spokane, WA 99201
14 (509) 838-6131
15 Facsimile: (509) 838-1416
16 E-mail Address: kjc@winstoncashatt.com

17 Charles L. Babcock IV (*admitted pro hac vice*)
18 cbabcock@jw.com
19 Texas Bar No. 01479500
20 William J. Stowe (*admitted pro hac vice*)
21 wstowe@jw.com
22 Texas Bar No. 24075124
23 JACKSON WALKER L.L.P.
24 1401 McKinney Street
Suite 1900
Houston, Texas 77010
(713) 752-4360 (telephone)
(713) 308-4116 (facsimile)

Attorneys for Defendants International Data
Group, Inc., CXO Media, Inc. and Steve Ragan

1 I hereby certify that on October 26, 2017, I electronically filed the foregoing with
2 the Clerk of the Court using the CM/ECF System which will send notification of such
3 filing to the following:
4

5 Jason E. Bernstein - jake@newmanlaw.com
6 Leeor Neta (*admitted pro hac vice*) - leeor@newmanlaw.com
7 Attorneys for Plaintiffs

8 Christopher B. Durbin - cdurbin@cooley.com
9 Matthew D. Brown (*admitted pro hac vice*) - brownmd@cooley.com
10 Amy M. Smith (*admitted pro hac vice*) - amsmith@cooley.com
11 Attorneys for Defendant Kromtech Alliance Corporation

12 Aaron Rocke - aaron@rockelaw.com
13 Attorney for Defendant Chris Vickery

14
15 s/Kevin J. Curtis, WSBA No. 12085
16 WINSTON & CASHATT, LAWYERS
17 Attorneys for Defendants International Data
18 Group, Inc., CXO Media, Inc. and Steve Ragan
19 601 W. Riverside, Ste. 1900
20 Spokane, WA 99201
21 (509) 838-6131
22 Facsimile: (509) 838-1416
23 E-mail Address: kjc@winstoncashatt.com
24

DEFENDANT STEVE RAGAN'S ANSWER
TO PLAINTIFFS' COMPLAINT
PAGE 22

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
1900 Bank of America Financial Center
601 West Riverside
Spokane, Washington 99201
(509) 838-6131